

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

INTERNATIONAL BUSINESS MACHINES CORPORATION,	)	
	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 16-122-LPS
	)	
GROUPON, INC.,	)	
	)	
Defendant.	)	

**MOTION FOR SUMMARY JUDGMENT OF GROUPON, INC.**

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Dated: March 5, 2018

Defendant Groupon, Inc. (“Groupon”) respectfully moves this Court for entry of summary judgment (1) of non-infringement of U.S. Patent Nos. 5,796,967; 7,072,849; 5,961,601; and 7,631,346; and (2) that the priority date of U.S. Patent No. 5,961,601 is June 7, 1996. Groupon moves pursuant to Federal Rule of Civil Procedure 56 and the Court’s Scheduling Orders (D.I. 17 ¶ 17; D.I. 201).

The grounds for this Motion are set forth in the Memorandum in Support of Motion for Summary Judgement of Defendant Groupon, Inc., filed herewith. The hearing on this Motion is currently scheduled for April 24, 2018 at 9:00 am. A proposed order is attached.

ASHBY & GEDDES

*/s/ John G. Day*

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